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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,845	10/18/2006	Hiroaki Misawa	2006_1120A	1624

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EXAMINER	
DUCLAIR, STEPHANIE P.	

ART UNIT	PAPER NUMBER
1713	

NOTIFICATION DATE	DELIVERY MODE
11/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/585,845	**Applicant(s)** MISAWA ET AL.	
	Examiner STEPHANIE DUCLAIR	**Art Unit** 1713	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *4* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1,2 and 4-6*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Binh X Tran/
Primary Examiner, Art Unit 1713

/S. D./
Examiner, Art Unit 1713

The 1.132 declaration submitted by applicant in addition to Applicant's Response on November 16, 2010 will be made of record; however such evidence is no persuasive and fails to overcome the rejection of record. Applicant argues that the in particular that the transparent material of use of a femtosecond laser is in a non-thermal processing (page 4 of Applicant's Response). Further more Applicant agues that the declaration of Dr. Misawa indicates surprising results which could have been predicted by one of ordinary skill in the art (Page 5 Applicant's Response). Applicant also points out that the Examiner has not resolved the Graham factor in ascertaining the differences in the prior art and that the rationales the Examiner provides for the rejection is improper. In addition Applicant submits that the reference do not lead to the present invention. This is found unpersuasive.

Applicant's remarks and declaration do not properly address the statements of obviousness of the record. In particular, the reference of URAIRI discloses the general concept of applying a pulse laser beam to a plastic exhibiting a glass transition temperature (Page 2 paragraph 6 of Final Rejection). The final rejection also states the differences between the primary reference of URAIRI and applicant's claims invention (Pages 2-3 Paragraph 7 of Final Rejection). The Examiner further uses the reference of VENKATAKIRISHNAN to teach forming a pattern using a femtosecond laser (Page 3 Paragraph 9 of Final Rejection). The Examiner provided the one of ordinary skill in the art at the time of the invention would have made such modification because the reference of VENKATAKIRISHNAN teaches that a femtosecond laser is less time consuming and will produce a higher resolution pattern (Page 4 Paragraph 11 of Final Rejection). The Examiner further used the reference of ZHAO teaches the use of a heat treatment method in order to shrink a pattern film (Page 3 Paragraph 8 of Final Rejection) and that one of ordinary skill in the art would the heat treatment of ZHAO because it allows for the thermal shrinkage of patterned plastic films (page 3 Paragraph 10).

Applicant's Remarks and submitted declaration point out the inadequacies of the references individual but fails to disclose which such combination is non-obvious. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore Applicant has not demonstrated why one of ordianry skill in the art would not apply the known step of patterning with a femtosecond pulse laser and shrinking a pattern by a thermal treatment as previously presented in the final rejection.